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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/824,040	04/14/2004	Kyle G. Brown	RSW920040015US1	6020
51016 7590 07/31/2007 IBM CORP. (RALEIGH SOFTWARE GROUP) c/o Rudolf O Siegesmund Gordon & Rees, LLP 2100 Ross Avenue Suite 2600 DALLAS, TX 75201			EXAMINER PHAN, MAN U	
			ART UNIT 2616	PAPER NUMBER
			MAIL DATE 07/31/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/824,040

Applicant(s)

BROWN ET AL.

Examiner

Man Phan

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 April 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-27 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 25 is/are allowed.
- 6) ☒ Claim(s) 1-5, 13-24, 26 and 27 is/are rejected.
- 7) ☒ Claim(s) 6-12 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>4/14/04</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. The application of Brown et al. for an "mechanism for validating the message format for message channels" filed 04/14/2004 has been examined. Claims 1-27 are pending in the present application.
2. The applicant should use this period for response to thoroughly and very closely proof read and review the whole of the application for correct correlation between reference numerals in the textual portion of the Specification and Drawings along with any minor spelling errors, general typographical errors, accuracy, assurance of proper use for Trademarks TM, and other legal symbols @, where required, and clarity of meaning in the Specification, Drawings, and specifically the claims (i.e., provide proper antecedent basis for "the" and "said" within each claim). Minor typographical errors could render a Patent unenforceable and so the applicant is strongly encouraged to aid in this endeavor.

Claim Objections

3. Applicant is advised that should claims 11-12 be found allowable, claims 26-27 will be objected to under 37 CFR 1.75 as being a substantial duplicated thereof. Appropriate correction is required.

Claim Rejections - 35 USC § 112

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 11, 23, 26 recite the limitation "the sender program" on line 1. There is insufficient antecedent basis for this limitation in the claims.

Claim 25 recites the limitation "the message header", "the validating criteria" on line 5, "the message body" on line 6. There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 101

5. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

6. Claims 13-24 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter, specifically, as directed to "computer program product" or "a software routine". The claimed "A program product" or "software routine" of claims 13-24 is non-statutory as at no time in the claim does applicant define the software routine. A program readable storage medium per se is not in one of the statutory categories. A program product must be claimed in combination with an appropriate computer readable storage medium so that the program is capable of producing a useful, concrete and tangible result when used in a computer system.

Claims 13-24 are direct to "*a program product*" which is not supported by either a specific asserted utility or a well established utility. Claims 13-24 merely defines "*a program readable storage medium*" or "*data record for storing instructions*", and is not directed to statutory subject matter. The claims appear to be nothing more than a signal not tangibly embodied in a manner so as to be executable and thus non-statutory for failing to be in one of the categories of invention. It's not tangibly embodies and non-functional descriptive material - data per se. Therefore, what applicant is attempting to claim as a computer program product or data

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record as is known in the art. The claim is actually drawn to non-functional descriptive material stored on a machine readable medium. The description given in the specification does not cure this problem. In practical terms, claims define non-statutory processes if they simply manipulate abstract ideas, e.g., a bid or a bubble hierarchy, without some claimed practical application, *Schrader*, 22 F.3d at 293-94, 30 USPQ2d at 1458-59; *Warmerdam*, 33 F.3d at 1360, 31 USPQ2d at 1759.

7. Claims 13-24 are also rejected under 35 U.S.C. 112, first paragraph. Specifically, since the claimed invention is not supported by either a specific asserted utility or a well established utility for the reasons set forth above, one skilled in the art clearly would not know how to use the claimed invention.

Claim Rejections - 35 USC § 102

8. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371© of this title before the invention thereof by the applicant for patent.

9. Claims 1-3 are rejected under 35 U.S.C. 102(e) as being anticipated by Hughes (US#5,982,893).

With respect to claims 1-3, Hughes (US#5,982,893) discloses a method of providing a message validation program comprises the step of acquiring the message, analyzing the message

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and validating the message before the message is sent to a recipient (See Fig. 4A; Col. 3, lines 12 plus and Col. 24, lines 60 plus).

Claim Rejections - 35 USC § 103

10. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

11. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103© and potential 35 U.S.C. 102(f) or (g) prior art under 35 U.S.C. 103(a).

12. Claims 4-5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hughes (US#5,982,893) in view of Cimo et al. (US#2004/0030788).

With respect to claims 4-12 and 25-27, these references disclose a method and system for validating messages in a message queue before the messages are transmitted to the recipient, according to the essential features of the claims. Hughes (US#5,982,893) discloses a method of

processing a transaction message includes receiving an incoming raw transport message. The raw transport message is stored in a channel interface database. A raw message identifier is generated. The raw message identifier is determined such that the raw message identifier verifiably identifies the raw message. A communications context identifier is generated. The communications context identifier is determined such that the communications context identifier verifiably identifies the raw message and the channel. The raw message is converted into a transaction message and the transaction message is validated (*the steps of analyzing the message and validating the message before the message is sent to a recipient*)(Fig. 4A; Col. 3, lines 12 plus and Col. 24, lines 60 plus).

However, Hughes does not disclose expressly the step of analyzing the message further comprises comparing the message to a validating criteria. In the same field of endeavor, Cimo et al. (US#2004/0030788) teaches a method and apparatus that validates client messages for compliance with communication protocol specifications and the data content requirements of a computer system. The system builds and uses data filters that validate client message communication protocol. Data content is validated by comparing the outputs of two computers running functionally equivalent software and receiving the same input (*the step of comparing the message to a validating criteria*)(See the Abstract and Page 8, claim1). Cimo further teaches in Fig. 1 a schematic structure of a system for evaluating messages, and one embodiment of this system compares the outputs of two like systems running the same software and receiving the same inputs and is illustrated in Fig. 2. One system is an uncontrolled client system 201. The other is a controlled system 202 that resides between the client system and the protected computer 203. The client system 201 captures client input 204 (selections and data entry) and

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creates a client message 205 which is transmitted to the controlled system 202. The controlled system 202 inputs the client message 205 to the comparator 206 and the client message parser 207. The parser 207 extracts the client input from the client message and submits it to the client input processor 208. The client input processor 208 creates a controlled system message 209. The client message 205 created by the client system 201 and the controlled system message 209 created by the controlled system 202 are compared 206. If the messages are the same, the client message is passed to the protected computer 203. If they are not, they are passed to handlers 210 for further processing ([0031] plus).

One skilled in the art would have recognized the need for efficiently validating messages in a message queue before the messages are transmitted to the recipient, and would have applied Cimo's novel use of the comparing the message to a validating criteria into Hughes's teaching of the processing a transaction messages utilizing message validator. Therefore, It would have been obvious to a person of ordinary skill in the art at the time of the invention was made to apply Cimo's computer message validation system into Hughes's system and method for processing transaction messages with the motivation being to provide a system and method for validating the message format for messagechannels.

Allowable Subject Matter

13. Claim 25 is allowable.

14. Claims 6-12 are objected to as being dependent upon the rejected base claims, but would be allowable if rewritten in independent form including all of the limitations of the base claims and any intervening claims.

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15. The following is an examiner's statement of reasons for the indication of allowable subject matter: The closest prior art of record fails to disclose or suggest wherein the comparing the message header to the validating criteria step comprises: comparing a message property to a validating criteria property; and wherein the message is valid only if the message property matches the validating criteria property; wherein the comparing the message header to the validating criteria step comprises: comparing a message value to a validating criteria value; and wherein the message is valid only if the message value matches the validating criteria value; wherein the comparing the message body to the validating criteria step comprises: comparing a message type to a validating criteria type; and wherein the message is valid only if the message type matches the validating criteria type; wherein the comparing the message body to the validating criteria step comprises: comparing a message character set to a validating criteria character set; and wherein the message is valid only if the message character set matches the validating criteria character set; wherein the comparing the message body to the validating criteria step comprises: comparing a message format to a validating criteria format; and wherein the message is valid only if the message format matches the validating criteria format, as specifically recited in the claims.

Conclusion

16. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

The Fonseca (US#2005/0076089) is cited to show the method and system for communication from anonymous sender to known recipient for feedback applications.

The Xie et al. (US#2005/0198154) is cited to show the runtime validation of messages for enhanced web service processing.

The Narasimhan et al. (US#2006/0120358) is cited to show a scalable architecture for transmission of message over a network.

The Kokko et al. (US#2005/0129191) is cited to show the system and method for communication network including an automatic call answering function such as a voice mail server.

The King (US#2007/0130313) is cited to show the queuing system, method and computer program.

The Chava et al. (US#2007/0076857) is cited to show a intermediary network system and method for facilitating message exchange between wireless networks.

The Chava et al. (US#2005/0215250) is cited to show a intermediary network system and method for facilitating message exchange between wireless networks.

17. Any inquiry concerning this communication or earlier communications from the examiner should be directed to M. Phan whose telephone number is (571) 272-3149. The examiner can normally be reached on Mon - Fri from 6:00 to 3:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jay Patel, can be reached on (571) 272-2988. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

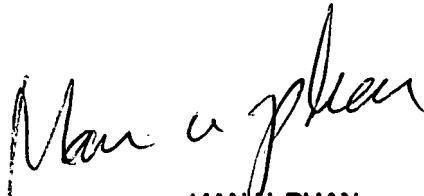
Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (571) 272-2600.

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18. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have any questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at toll free 1-866-217-9197.

Mphan

07/25/2007



MAN U. PHAN
PRIMARY EXAMINER